

EXHIBIT 1

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**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

**SOUTHERN UTAH WILDERNESS
ALLIANCE,**

Plaintiff,

**INTERVENOR–DEFENDANTS’
SURREPLY**

Case No. 2:23-cv-00804-TC-DBP

v. UNITED STATES DEPARTMENT OF THE INTERIOR et al., Defendants, and, ANSCHUTZ EXPLORATION CORPORATION and STATE OF UTAH, Intervenor–Defendants.	Judge Tena Campbell Chief Magistrate Judge Dustin B. Pead
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Plaintiff Southern Utah Wilderness Alliance and Federal Defendants have asked the Court to stay this case for 90 days, until September 16, to facilitate settlement discussions. Joint Mot., ECF No. 46. Intervenor–Defendants Anschutz Exploration Corporation (“AEC”) and the State of Utah responded that they do not oppose the 90-day stay *on the condition that* the Court direct the Alliance and Federal Defendants to involve them in all settlement discussion and negotiations. Resp., ECF No. 52. In their replies (ECF Nos. 53 and 56), the Alliance and Federal Defendants argue for the first time that AEC and Utah are urging this Court to create a novel *right* to participate in their settlement negotiations.

AEC and Utah submit this surreply simply to clarify that the Alliance and Federal Defendants have mischaracterized AEC and Utah’s position. AEC and Utah do not contend that, as intervenors, they have a *right* or are automatically entitled to participate in the Alliance and Federal Defendants’

settlement negotiations. Their request is more modest. AEC and Utah are arguing that the Court *should* allow them to participate, not that the Court *must* allow them to participate.

Beyond misconstruing AEC and Utah's position, the Alliance and Federal Defendants also offer no sound reason for excluding AEC and Utah from the settlement process. Neither disputes the straightforward proposition that providing AEC and Utah visibility into the settlement negotiations creates an opportunity to streamline that process and, hopefully, avoid motions practice challenging any eventual settlement. Instead, the Alliance and Federal Defendants resort to speculation that somehow involving AEC and Utah will hinder or slow down the settlement discussions. But AEC and Utah have no interest in doing that. As explained in their response, AEC and Utah want visibility solely to ensure that any settlement does not impose any duties or obligations on them without their consent, and does not unduly impair their rights and interests in lease development. Rather than prolonging this litigation, allowing AEC and Utah to participate in the settlement process is a reasonable and proactive approach that will improve settlement prospects and creates an opportunity to conserve resources—for all the parties and for the Court.

For these reasons, AEC and Utah should be given the opportunity to participate in the settlement discussions and negotiations moving forward.

Respectfully submitted,

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